

FILED

MAR 31 2009

CLERK, U.S. DISTRICT COURT  
By *[Signature]*  
DeputyIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISIONELIZABETH PAYNE  
Plaintiff

vs.

FRIENDSHIP WEST BAPTIST  
CHURCH, INC  
Defendant

CIVIL ACTION NO. 3: \_\_\_\_\_

**3-09CV0595-B****PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Elizabeth Payne ("Payne"), hereinafter called Plaintiff, complaining of and about Friendship West Baptist Church, Inc., hereinafter called Defendant; and for her cause of action would show unto the Court the following:

**I. INTRODUCTION**

1. Plaintiff brings this action pursuant to Title VII of the Civil Rights Act, 42U.S.C. §§2000 *et seq.* and other laws seeking damages for conduct committed by Defendant acting through its employees and agents.

**II. PARTIES AND SERVICE**

2. Plaintiff, Elizabeth Payne brings this action individually. Plaintiff resides in Tarrant County, Texas.

3. Defendant Friendship West Baptist Church, Inc. is a Texas nonprofit corporation having its primary place of business and doing business in the State of Texas at 2020 W. Wheatland Road, Dallas, Texas 75232-4517. Defendant may be served through its registered agent for service; to wit: Ricky Hill, 2020 W. Wheatland Road, Dallas, Texas 75232-4517.

### **III. JURISDICTION AND VENUE**

4. This court has jurisdiction over this cause pursuant to 28 U.S.C. § 1331, because Plaintiff seeks recovery pursuant to a federal statute, to wit, Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e *et seq.* for discrimination against the Plaintiff by Defendant during her employment.

5. The Defendant's conduct complained of by Plaintiff occurred in or near Dallas, Texas, which is within Dallas County, Texas, which is within the Northern District of the State of Texas. Thus, venue is proper in this district under 42 U.S.C. §2000e-5(f)(3) because the alleged unlawful employment practice was committed in this district. Venue is proper in this district under 42 U.S.C. §2000e-5(f)(3) because defendant has its principal office in this district.

### **IV. EXHAUSTION OF ADMINISTRATIVE PROCEDURES**

6. Plaintiff timely filed a charge of discrimination against defendant with the Equal Employment Opportunity Commission (EEOC). Plaintiff files this complaint within 90 days of receiving a notice of the right to sue from the EEOC.

### **V. FIRST COUNT**

7. Plaintiff incorporates by reference Paragraphs 1 through 6 and makes such paragraphs apart of this Plaintiff's first count against Defendants. Plaintiff also incorporates by reference all exhibits attached hereto.

8. On or about January 1, 2008, Plaintiff began working full time for Defendant. At all times alleged herein, Plaintiff was an employee of Defendant and acted primarily as an administrative assistant.

9. During the term of her employment, Plaintiff was subjected to discriminatory treatment on the basis of her race, national origin and/or gender.

10. On August 1, 2008, Defendant terminated Plaintiff's employment. At the time of termination, Plaintiff was given no reason for the termination. Plaintiff requested that the Human Resources Director provide a reason for termination, however she told Plaintiff that she was not allowed to discuss the basis for termination with the Plaintiff.

11. At the time of termination, Plaintiff was the only White, Hispanic, female working at Friendship West and there was only one other White Hispanic, who worked in a janitorial capacity. No other Whites or Hispanics were employed by Friendship West. After her termination, Plaintiff's position was filled by an African-American female.

12. Shortly before her termination, Defendant discovered emails and other information suggesting that Plaintiff was involved in an interracial relationship with an African-American male. Co-workers and supervisors expressed to Plaintiff the opinion that African-Americans should not be involved in relationships with those who were not African-Americans and disapproved of her relationship with the African-American male.

13. Title VII prohibits discrimination in employment premised on an interracial relationship.

14. Furthermore, during the time of her employment, Plaintiff observed other employees who were African-Americans, male and female, who had similar relationships with other African-Americans who were not terminated for their involvement in such "same-race" relationships. However, shortly after Plaintiff was thought to be in a relationship with an African-American male, her employment was terminated.

15. During her employment, Plaintiff consistently received positive and favorable job performance reviews. Plaintiff was qualified for and satisfactorily performed her job.

16. In addition, Plaintiff represented Defendant's Pastor Haynes in communications with the media, during a troubled time in the church's history, and received praise for how she handled those matters.

17. Prior to her termination, Plaintiff was given no warning that her employment would be discontinued. Based on past experience, Plaintiff knew that employees were routinely given warnings and allowed to improve their performance prior to being terminated.

18. Following termination, Plaintiff was given no further benefits or COBRA notice to allow her to extend health insurance for herself or her children.

19. Such actions, individually and collectively, constituted a wrongful discharge of Plaintiff from her employment which is actionable under the laws of the United States of America and the State of Texas.

## **VI. DAMAGES**

20. As a direct and proximate result of defendant's conduct, plaintiff suffered the following injuries and damages.

21. Plaintiff was discharged from employment with Defendant. Although Plaintiff has diligently sought other employment, she has been unable to find a job at comparable pay. In addition, plaintiff has incurred expenses in seeking other employment and has had to pay for medical treatment that otherwise would have been covered by the health benefits plan offered by Defendant.

22. Plaintiff seeks an award of exemplary damages where the actions of Defendant were willful, malicious and intentional; and manifest a wanton disregard and reckless indifference to Plaintiff's federally protected rights. The imposition of punitive damages will serve as an example and deterrent to defendants and others who would commit similar illegal

acts. Further the actions of Defendant are part and parcel of Defendant's usual and customary pattern of discriminatory treatment of those of other races, such as the Plaintiff.

23. Plaintiff suffered mental anguish and emotional distress.

### **VII. ATTORNEY FEES**

24. Plaintiff is entitled to an award of attorney fees and costs under Title VII, 42 U.S.C. §2000e-5(k).

### **VIII. JURY DEMAND**

25. Pursuant to FED.R.CIV .P .38, Plaintiff demands trial by jury on all issues.

### **IX. PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff, Elizabeth Payne, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, as follows:

- a. That Plaintiff recover judgment from Defendant for Plaintiff's damages described above;
- b. That Plaintiff recover pre-judgment and post-judgment interest on past and future damages as allowed by law;
- c. That Plaintiff recover all costs of court; and
- d. That Plaintiff recover all such other and further relief, at law or in equity, to which Plaintiff may show herself justly entitled.

Respectfully submitted,

Shrull Altman LLP  
1701 River Run, Suite 1116  
Fort Worth, Texas 76107  
(817) 336-3925  
(817) 336-2124  
danaltmanlaw@gmail.com



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Daniel George Altman  
Texas Bar No. 00793255  
**Attorney for Plaintiff**  
**Elizabeth Payne**

**PLAINTIFF DEMANDS TRIAL BY JURY**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

Elizabeth Payne

(b) County of Residence of First Listed Plaintiff Tarrant  
(EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANTS**

Friendship West Baptist Church, Inc.

County of Residence of First Listed Defendant

Dallas

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

MARK 31 2009

DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

(c) Attorney's (Firm Name, Address, and Telephone Number)

Shrull Altman LLP, 1701 River Run, #1116, FW, TX 76107  
17-336-3925

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 850 Securities/Commodities Exchange	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 890 Other Statutory Actions	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input checked="" type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		
			FEDERAL TAX SUITS	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
			<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN**

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**42 U.S.C. §§ 2000e et seq**

**VI. CAUSE OF ACTION**

Brief description of cause:  
**Employment discrimination based on race, gender and national origin**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/31/2009

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE